

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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EDWIN BANKS,

Plaintiff,

-v-

9:13-CV-1500  
(DNH/ATB)

D. ROCK, E. MARSHALL, B. PAGE,  
and HIDE,

Defendants.

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APPEARANCES:

OF COUNSEL:

EDWIN BANKS  
*Plaintiff pro se*  
03-B-1574  
Attica Correctional Facility  
Box 149  
Attica, NY 14011

New York State Attorney General  
*Attorneys for Defendants*  
The Capitol  
Albany, NY 12224

Rachel M. Kish, Esq.

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Pro se plaintiff Edwin Banks brought this civil rights action, alleging various constitutional violations. On March 8, 2016, the Honorable Andrew T. Baxter, United States Magistrate Judge, advised by Report-Recommendation that defendants' motion to dismiss plaintiff's action as a sanction for failing to participate in his deposition, pursuant to Federal Rule of Civil Procedure 37, and the complaint be dismissed in its entirety. See ECF No. 72. Neither party filed objections to the Report-Recommendation.

Based upon a de novo review of the Report-Recommendation, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

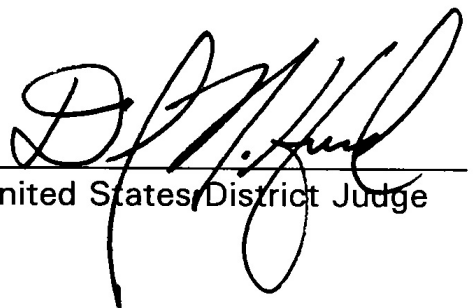
Therefore, it is ORDERED that:

1. Defendants' motion to dismiss plaintiff's action as a sanction for failing to participate in his deposition, pursuant to Fed. R. Civ. P. 37 (ECF No. 71) be **GRANTED**, and the complaint is **DISMISSED WITH PREJUDICE**; and

2. The Clerk serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules.

The Clerk of the Court shall enter judgment and close this case.

IT IS SO ORDERED.

  
United States District Judge

Dated: March 30, 2016  
Utica, New York